IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.Rev.Pet.No. 947 of 1999()

CRA.41/1996 of ADDL.SESSIONS COURT, KOTTAYAM
ST.2746/1994 of JUDL. MAGISTRATE OF FIRST CLASS, KOTTAYAM
.....

REVN. PETITIONER: APPELLANT/ ACCUSED

SURENDRA BABU, S/O.SANKARAN NAIR,
MADHUMALA HOUSE,
PALLIPURATHU KAVU, KODIMATHA,
KOTTAYAM.

BY ADV. SRI.PHILIP T.VARGHESE

RESPONDENT: RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM REP.BY
THE S.I.OF POLICE, KOTTAYAM,
WEST POLICE STATION.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.947/1999

ORDER ON CRL.MP. NO.4380/1999 IN CRL.RP. 947/1999

DISMISSED

25.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 947 OF 1999

DATED THIS THE 25th July 2007

ORDER

The revision petitioner stands convicted for the offence under Section 51(a) of the Kerala Police Act and sentenced to undergo simple imprisonment for 15 days and to pay a fine of Rs.50/- and in default to undergo simple imprisonment for two days.

2. The prosecution case is that on 4-12-1994 at 3.30 p.m. while CWs.1 and 2 were on patrol duty on the M.C.Road near Pallippurathukavu, CW1 found the accused on the public road under the influence of alcohol, uttering obscene words and causing annoyance to the public and pedestrians.

3. The evidence adduced in the matter consisted of the testimony of PWs. 1 to 3 of whom PWs.1 and 3 are the police officials and PW2, the Doctor who issued Ext.P1 drunkenness certificate. PW2, the Doctor has testified that he was under the influence of alcohol. In the circumstances, I find no infirmity in the concurrent findings of the courts below that the accused is guilty of the offences under Section 51(a) of the Kerala Police Act.

Considering the plea of the counsel for the revision petitioner that about 13 years have elapsed since the commencement of the proceedings, the sentence is modified to imprisonment till the rising of the court and to pay Rs.200/- and in default to undergo simple imprisonment for two weeks. The revision petitioner shall appear before the Judicial Magistrate of First Class-I, Kottayam on 24-8-2007 to receive sentence. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.A. 47 OF 1999
ORDER

25-7-2007